DECLARATION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DECLARATION OF ADAM LIEB

I, Adam Lieb, declare:

1.   I am a computer and Internet consultant who has been asked to do certain work for Ticketmaster, LLC ("Ticketmaster") in connection with this action. If called upon to testify to the following matters I would and could do so based upon my personal knowledge except where otherwise indicated. I would base that knowledge upon my personal participation in the matters described.

2.   I graduated from Stanford University in 1997 with a Bachelor's Degree in Computer Science. Through my studies, I became familiar with a number of computer programming languages, including but not limited to C, C++, Java, JavaScript, HTML, and many others. I also became familiar with the technology and architecture of the internet. Before graduating I worked for Microsoft as a software engineer, writing code to help Microsoft develop its "Expedia.com" website.

3.   I thereafter was co-founder of and the chief technology officer for Evite, Inc. ("Evite"). Evite became a leading online invitations company. At Evite, I managed the product engineering team, and designed the architecture for the evite.com website, using the Java programming language.

4.   I left Evite in 2001, when it was acquired by InterActiveCorp. ("IAC"). I thereafter founded Innovive Technologies, LLC ("Innovive"), a company that specializes in developing software solutions for consumer-based, internet-related companies. I also do internet technology related consulting work, and have filed several software-related patents.

5.   I have reviewed the documents produced by defendant RMG Technologies, Inc. ("RMG") in response to the Order Granting Leave To Take Expedited Discovery To Determine Compliance With Preliminary Injunction issued in this action. I also have reviewed documents produced by RMG in response to

MANATT, PHELPS &
PHILLIPS, LLP
ATTORNEYS AT LAW
LOS ANGELES

41216745.1

1

**DECLARATIONS IN SUPPORT OF PLAINTIFF'S
MOTION TO COMPEL**

DECLARATION OF ADAM LIEB

71

1 Ticketmaster L.L.C.'s First Set of Requests For Production of Documents to

2 Defendant RMG Technologies, Inc. I am informed that these are the only

3 documents that have been produced by RMG in this matter. In addition, I have

4 reviewed the list of programs in the document attached as Exhibit 1 to

5 Ticketmaster's Motion For Preliminary Injunction ("MPI, Exh. 1").

6   6.   My review of these materials reveals that RMG has produced

7 source code and "jar" files concerning RMG's Ticket Broker Access Tools

8 ("TBAT"), but has not produced the executables that would have been provided to

9 RMG's customers in order for them to run TBAT – i.e., installer, any help or

10 documentation files. In essence, RMG produced a version of TBAT that most of its

11 customers would be unable to run.

12   7.   RMG also did not produce any bug database or statements of

13 product capabilities for TBAT.

14   8.   The materials produced by RMG contain information relating to

15 multiple versions of TBAT and its components and associated applications, but do

16 not contain any date information as to when each version was made available to

17 customers

18   9.   The materials produced by RMG suggest that RMG utilized the

19 services of one or more of the following Internet Service Providers: SoftLayer,

20 ThePlanet/EV1 Servers, C I Host, Intelenet, Rackspace, ServePass, and XO

21 Communications.

22   10.   The materials produced by RMG reveal that RMG has failed to

23 produce thirty-two (32) "open-source libraries" that are used in connection with

24 TBAT. These open-source libraries are required to run RMG's software. I

25 analyzed the source code produced by RMG to determine which libraries were

26 missing, and then downloaded them from publicly available sources. The open-

27 source libraries referred to, but not produced, are as follows:

28   •   axis.jar

MANATT, PHELPS &
PHILLIPS, LLP
ATTORNEYS AT LAW
LOS ANGELES

41216745.1

2

DECLARATIONS IN SUPPORT OF PLAINTIFF'S
MOTION TO COMPEL

1   •   commons-codec-1.3.jar

2   •   commons-collections-3.2.jar

3   •   commons-discovery-0.4.jar

4   •   commons-httpclient-3.1.jar

5   •   commons-lang-2.3.jar

6   •   commons-logging-1.1.jar

7   •   commons-logging-adapters-1.1.jar

8   •   commons-logging-api-1.1.jar

9   •   commons-net-1.4.1.jar

10   •   displaytag-1.1.1.jar

11   •   htmlunit-1.13.jar

12   •   jakarta-oro-2.0.8.jar

13   •   jaxen-1.1.1.jar

14   •   jaxrpc.jar

15   •   jetty-6.1.0.jar

16   •   jetty-util-6.1.0.jar

17   •   jl1.0.jar

18   •   js-1.6R5.jar

19   •   log4j-1.2.8.jar

20   •   nekohtml-0.9.5.jar

21   •   org.eclipse.core.commands_3.2.0.I20060605-1400.jar

22   •   org.eclipse.core.runtime_3.2.0.v20060603.jar

23   •   org.eclipse.jface_3.2.2.M20061214-1200.jar

24   •   org.eclipse.swt.win32.win32.x86_3.2.2.v3236.jar

25   •   quartz.jar

26   •   servlet.jar

27   •   simplecaptcha-20050925.jar

28   •   wsdl4j.jar

MANATT, PHELPS &
PHILLIPS, LLP
ATTORNEYS AT LAW
LOS ANGELES

41216745.1

3

**DECLARATIONS IN SUPPORT OF PLAINTIFF'S
MOTION TO COMPEL**

1 • xercesImpl-2.6.2.jar

2 • xmlParserAPIs-2.6.2.jar

3 • xmlrpc-1.2-b1.jar

4 11.   I have also reviewed documents received from an independent

5 source which reveal that there are HTML/jsp files that allow a user to monitor the

6 status of RMG's Super Proxy product when it is in use. However, these were not

7 included in any of the materials I reviewed.

8 12.   The materials produced by RMG contain source code for

9 multiple versions of RMG's "typing server." RMG has not produced any

10 documents relating to its typing server other than source code. According to the

11 source code, there are two versions of the typing server; one is web-based and

12 another utilizes a desktop application. I am unable at this time to identify when

13 each version was used.

14 13.   Many, if not all, of the programs identified in MPI Exh. 1 are

15 designed to work in conjunction with TBAT to maximize its effectiveness. It

16 appears that the materials produced by RMG do not contain any documents relating

17 to the following computer programs identified on MPI Exh. 1:

18 • Universal Tix

19 • Triple Play

20 • TBAT Plus

21 • TBAT Pro

22 • isl

23 • TBATTHREELIC

24 • release

25 • TBATSINGLIC

26 / / /

27 / / /

28 / / /

41216745.1

4

**DECLARATIONS IN SUPPORT OF PLAINTIFF'S
MOTION TO COMPEL**

1   I declare under penalty of perjury under the laws of the United States

2 that the foregoing is true and correct.

3   EXECUTED this 12th day of March, 2008 at San Francisco,

4 California.

5

6   _____
                                              Adam Lieb
7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

MANATT, PHELPS &
PHILLIPS, LLP
ATTORNEYS AT LAW
LOS ANGELES

41216745.1

5   DECLARATIONS IN SUPPORT OF PLAINTIFF'S
                                MOTION TO COMPEL

DECLARATION OF ADAM LIEB

1   I declare under penalty of perjury under the laws of the United States

2 that the foregoing is true and correct.

3   EXECUTED this 12th day of March, 2008 at San Francisco,

4 California.

5

6   _____
        Adam Lieb

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

MANATT, PHELPS &
PHILLIPS, LLP
ATTORNEYS AT LAW
LOS ANGELES

41216745.1

5

DECLARATIONS IN SUPPORT OF PLAINTIFF'S
MOTION TO COMPEL

DECLARATION OF ADAM LIEB

76